

26-4-1. Short title.

This chapter shall be known and may be cited as the "Utah Medical Examiner Act."

Enacted by Chapter 126, 1981 General Session

26-4-2. Definitions.

As used in this chapter:

- (1) "Dead body" is as defined in Section 26-2-2.
- (2) "Death by violence" means death that resulted by the decedent's exposure to physical, mechanical, or chemical forces, and includes death which appears to have been due to homicide, death which occurred during or in an attempt to commit rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment for more than one year, arson punishable by imprisonment for more than one year, or any attempt to commit any of the foregoing offenses.
- (3) "Medical examiner" means the state medical examiner appointed pursuant to Section 26-4-4 or a deputy appointed by the medical examiner.
- (4) "Regional pathologist" means a trained pathologist licensed to practice medicine and surgery in the state, appointed by the medical examiner pursuant to Subsection 26-4-4(3).
- (5) "Sudden death while in apparent good health" means apparently instantaneous death without obvious natural cause, death during or following an unexplained syncope or coma, or death during an acute or unexplained rapidly fatal illness.
- (6) "Sudden infant death syndrome" means the death of a child who was thought to be in good health or whose terminal illness appeared to be so mild that the possibility of a fatal outcome was not anticipated.
- (7) "Suicide" means death caused by an intentional and voluntary act of a person who understands the physical nature of the act and intends by such act to accomplish self-destruction.
- (8) "Unattended death" means the death of a person who has not been seen by a physician within the scope of the physician's professional capacity within 30 days immediately prior to the date of death. This definition does not require an investigation, autopsy, or inquest in any case where death occurred without medical attendance solely because the deceased was under treatment by prayer or spiritual means alone in accordance with the tenets and practices of a well-recognized church or religious denomination.
- (9) (a) "Unavailable for postmortem investigation" means that a dead body is:
 - (i) transported out of state;
 - (ii) buried at sea;
 - (iii) cremated; or
 - (iv) otherwise made unavailable to the medical examiner for postmortem investigation or autopsy.
- (b) "Unavailable for postmortem investigation" does not include embalming or

burial of a dead body pursuant to the requirements of law.

(10) "Within the scope of the decedent's employment" means all acts reasonably necessary or incident to the performance of work, including matters of personal convenience and comfort not in conflict with specific instructions.

Amended by Chapter 297, 2011 General Session

26-4-4. Chief medical examiner -- Appointment -- Qualifications -- Authority.

(1) The executive director, with the advice of an advisory board consisting of the chairman of the Department of Pathology at the University of Utah medical school and the dean of the law school at the University of Utah, shall appoint a chief medical examiner who shall be licensed to practice medicine in the state and shall meet the qualifications of a forensic pathologist, certified by the American Board of Pathologists.

(2) (a) The medical examiner shall serve at the will of the executive director.

(b) The medical examiner has authority to:

(i) employ medical, technical and clerical personnel as may be required to effectively administer this chapter, subject to the rules of the department and the state merit system;

(ii) conduct investigations and pathological examinations;

(iii) perform autopsies authorized in this title;

(iv) conduct or authorize necessary examinations on dead bodies; and

(v) notwithstanding the provisions of Subsection 26-28-122(3), retain tissues and biological samples for scientific purposes and those the medical examiner considers necessary to accurately certify the cause and manner of death.

(c) In the case of an unidentified body, the medical examiner shall authorize or conduct investigations, tests and processes in order to determine its identity as well as the cause of death.

(3) The medical examiner may appoint regional pathologists, each of whom shall be approved by the executive director.

Amended by Chapter 60, 2007 General Session

26-4-5. County medical examiners.

The county executive, with the advice and consent of the county legislative body, may appoint medical examiners for their respective counties.

Amended by Chapter 227, 1993 General Session

26-4-6. Investigation of deaths -- Requests for autopsies.

(1) The following have authority to investigate a death described in Section 26-4-7 and any other case which may be within their jurisdiction:

(a) the attorney general or an assistant attorney general;

(b) the district attorney or county attorney who has criminal jurisdiction over the death or case;

(c) a deputy of the district attorney or county attorney described in Subsection

(1)(b); or

(d) a peace officer within the jurisdiction described in Subsection (1)(b).

(2) If, in the opinion of the medical examiner, an autopsy should be performed or if an autopsy is requested by the district attorney or county attorney having criminal jurisdiction, or by the attorney general, the autopsy shall be performed by the medical examiner or a regional pathologist.

Amended by Chapter 63, 2009 General Session

26-4-7. Custody by medical examiner.

Upon notification under Section 26-4-8 or investigation by the medical examiner's office, the medical examiner shall assume custody of a deceased body if it appears that death was:

- (1) by violence, gunshot, suicide, or accident;
- (2) sudden death while in apparent good health;
- (3) unattended deaths, except that an autopsy may only be performed in accordance with the provisions of Subsection 26-4-9(3);
- (4) under suspicious or unusual circumstances;
- (5) resulting from poisoning or overdose of drugs;
- (6) resulting from diseases that may constitute a threat to the public health;
- (7) resulting from disease, injury, toxic effect, or unusual exertion incurred within the scope of the decedent's employment;
- (8) due to sudden infant death syndrome;
- (9) resulting while the decedent was in prison, jail, police custody, the state hospital, or in a detention or medical facility operated for the treatment of persons with a mental illness, persons who are emotionally disturbed, or delinquent persons;
- (10) associated with diagnostic or therapeutic procedures; or
- (11) described in this section when request is made to assume custody by a county or district attorney or law enforcement agency in connection with a potential homicide investigation or prosecution.

Amended by Chapter 183, 2012 General Session

26-4-8. Discovery of dead body -- Notice requirements -- Procedure.

(1) When death occurs under circumstances listed in Section 26-4-7, the person or persons finding or having custody of the body shall immediately notify the nearest law enforcement agency. The law enforcement agency having jurisdiction over the case shall then proceed to the place where the body is and conduct an investigation concerning the cause and circumstances of death for the purpose of determining whether there exists any criminal responsibility for the death.

(2) On a determination by the law enforcement agency that death may have occurred in any of the ways described in Section 26-4-7, the death shall be reported to the district attorney or county attorney having criminal jurisdiction and to the medical examiner by the law enforcement agency having jurisdiction over the investigation.

(3) The report shall be made by the most expeditious means available. Failure to give notification or report to the district attorney or county attorney having criminal

jurisdiction and medical examiner is a class B misdemeanor.

Amended by Chapter 38, 1993 General Session

26-4-9. Custody of dead body and personal effects -- Examination of scene of death -- Preservation of body -- Autopsies.

(1) Upon notification of a death under Section 26-4-8, the medical examiner shall assume custody of the deceased body, clothing on the body, biological samples taken, and any article on or near the body which may aid the medical examiner in determining the cause of death except those articles which will assist the investigative agency to proceed without delay with the investigation. In all cases the scene of the event may not be disturbed until authorization is given by the senior ranking peace officer from the law enforcement agency having jurisdiction of the case and conducting the investigation. Where death appears to have occurred under circumstances listed in Section 26-4-7, the person or persons finding or having custody of the body, or jurisdiction over the investigation of the death, shall take reasonable precautions to preserve the body and body fluids so that minimum deterioration takes place. The body may not be moved without permission of the medical examiner, district attorney, or county attorney having criminal jurisdiction, or his authorized deputy except in cases of affront to public decency or circumstances where it is not practical to leave the body where found, or in such cases where the cause of death is clearly due to natural causes. The body can under direction of a licensed physician or the medical examiner or his designated representative be moved to a place specified by a funeral director, the attending physician, the medical examiner, or his representative.

(2) In the event the body, where referred to the medical examiner, is moved, no cleansing or embalming of the body shall occur without the permission of the medical examiner. An intentional or knowing violation of this Subsection (2) is a class B misdemeanor.

(3) When the medical examiner assumes lawful custody of a body under Subsection 26-4-7(3) solely because the death was unattended, an autopsy may not be performed unless requested by the district attorney, county attorney having criminal jurisdiction, or law enforcement agency having jurisdiction of the place where the body is found, or a licensed physician, or a spouse, child, parent or guardian of the deceased, and a licensed physician. The county attorney or district attorney and law enforcement agency having jurisdiction shall consult with the medical examiner to determine the need for an autopsy. In any such case concerning unattended deaths qualifying as exempt from autopsy, a death certificate may be certified by a licensed physician. In this case the physician may be established as the medical examiner's designated representative. Requested autopsies may not be performed when the medical examiner or the medical examiner's designated representative determines the autopsy to be unnecessary, provided that an autopsy requested by a district or county attorney or law enforcement agency may only be determined to be unnecessary if the cause of death can be ascertained without an autopsy being performed.

Amended by Chapter 297, 2011 General Session

26-4-10. Certification of cause of death.

The certification of the cause of death under any of the circumstances listed in Section 26-4-7 shall only be made by the medical examiner or his designated representative. Certification of the cause of death or signature on the certificate of death by any other person is a class B misdemeanor.

Enacted by Chapter 126, 1981 General Session

26-4-11. Records and reports of investigations.

A complete copy of all written records and reports of investigations and facts resulting from medical care treatment, autopsies conducted by any person on the body of the deceased who died in any manner listed in Section 26-4-7 and the written reports of any investigative agency making inquiry into the incident shall be promptly made and filed with the medical examiner. Failure to submit reports other than reports of a county attorney, district attorney, or law enforcement agency, upon written request from the medical examiner within 10 days is a class B misdemeanor.

Amended by Chapter 38, 1993 General Session

26-4-12. Order to exhume body -- Procedure.

(1) In case of any death described in Section 26-4-7, when a body is buried without an investigation by the medical examiner as to the cause and manner of death, it shall be the duty of the medical examiner, upon being advised of the fact, to notify the district attorney or county attorney having criminal jurisdiction where the body is buried or death occurred. Upon notification, the district attorney or county attorney having criminal jurisdiction may file an action in the district court to obtain an order to exhume the body. A district judge may order the body exhumed upon an ex parte hearing.

(2) (a) A body may not be exhumed until notice of the order has been served upon the executor or administrator of the deceased's estate, or if no executor or administrator has been appointed, upon the nearest heir of the deceased, determined as if the deceased had died intestate. If the nearest heir of the deceased cannot be located within the jurisdiction, then the next heir in succession within the jurisdiction may be served.

(b) The executor, administrator, or heir shall have 24 hours to notify the issuing court of any objection to the order prior to the time the body is exhumed. If no heirs can be located within the jurisdiction within 24 hours, the facts shall be reported to the issuing court which may order that the body be exhumed forthwith.

(c) Notification to the executor, administrator, or heir shall specifically state the nature of the action and the fact that any objection shall be filed with the issuing court within 24 hours of the time of service.

(d) In the event an heir files an objection, the court shall set hearing on the matter at the earliest possible time and issue an order on the matter immediately at the conclusion of the hearing. Upon the receipt of notice of objection, the court shall immediately notify the county attorney who requested the order, so that the interest of the state may be represented at the hearing.

(e) When there is reason to believe that death occurred in a manner described

in Section 26-4-7, the district attorney or county attorney having criminal jurisdiction may make a motion that the court, upon ex parte hearing, order the body exhumed forthwith and without notice. Upon a showing of exigent circumstances the court may order the body exhumed forthwith and without notice. In any event, upon motion of the district attorney or county attorney having criminal jurisdiction and upon the personal appearance of the medical examiner, the court for good cause may order the body exhumed forthwith and without notice.

(3) An order to exhume a body shall be directed to the medical examiner, commanding the medical examiner to cause the body to be exhumed, perform the required autopsy, and properly cause the body to be reburied upon completion of the examination.

(4) The examination shall be completed and the complete autopsy report shall be made to the district attorney or county attorney having criminal jurisdiction for any action the attorney considers appropriate. The district attorney or county attorney shall submit the return of the order to exhume within 10 days in the manner prescribed by the issuing court.

Amended by Chapter 297, 2011 General Session

26-4-13. Autopsies -- When authorized.

(1) The medical examiner shall perform an autopsy to:

- (a) aid in the discovery and prosecution of a crime;
- (b) protect an innocent person accused of a crime; and
- (c) disclose hazards to public health.

(2) The medical examiner may perform an autopsy:

- (a) to aid in the administration of civil justice in life and accident insurance problems in accordance with Title 34A, Chapter 2, Workers' Compensation Act;
- (b) in other cases involving questions of civil liability.

Amended by Chapter 278, 2001 General Session

26-4-14. Certification of death by attending physician -- Deaths without medical attendance -- Cause of death uncertain -- Notice requirements.

The physician in attendance at the last illness of a deceased person who, in the judgment of the physician, does not appear to have died in a manner described in Section 26-4-7, shall certify the cause of death to his best knowledge and belief. When there is no physician in attendance during the last illness or when an attending physician is unable to determine with reasonable certainty the cause of death, the physician or person with custody of the body shall so notify the medical examiner. If the medical examiner has reason to believe there may be criminal responsibility for the death, he shall notify the district attorney or county attorney having criminal jurisdiction or the head of the law enforcement agency having jurisdiction to make further investigation of the death.

Amended by Chapter 38, 1993 General Session

26-4-15. Deaths in medical centers and federal facilities.

All death certificates of any decedent who died in a teaching medical center or a federal medical facility unattended or in the care of an unlicensed physician or other medical personnel shall be signed by the licensed supervisory physician, attending physician or licensed resident physician of the medical center or facility.

Enacted by Chapter 126, 1981 General Session

26-4-16. Release of body for funeral preparations.

(1) (a) Where a body is held for investigation or autopsy under this chapter or for a medical investigation permitted by law, the body shall, if requested by the person given priority under Section 58-9-602, be released for funeral preparations no later than 24 hours after the arrival at the office of the medical examiner or regional medical facility.

(b) An extension may be ordered only by a district court.

(2) The right and duty to control the disposition of a deceased person is governed by Sections 58-9-601 through 58-9-606.

Amended by Chapter 144, 2007 General Session

26-4-17. Records of medical examiner -- Copies furnished to next-of-kin, law enforcement officers, and attending physician -- Confidentiality.

(1) The medical examiner shall keep and maintain full and complete original records, properly indexed, giving the name, if known, or otherwise identifying every person whose death is investigated, the place where the body was found, the date, the cause and manner of death, the occupation of the decedent if available, and all other relevant information concerning the death. A full report and detailed findings of the autopsy or report of the investigation shall be part of the record in each case.

(2) The county attorney, the district attorney, the attorney general, or other law enforcement official having jurisdiction may, upon written request, secure copies of the original records where necessary for the performance of their duties.

(3) The medical examiner shall promptly deliver copies of all reports, findings, and records gathered or compiled in the investigation of a death to the decedent's next-of-kin, legal representative, or physicians who attended the decedent during the year before death, upon their written request for the release of documents.

(4) The medical examiner shall maintain the confidentiality of the records which shall be released as provided herein and upon payment of fees prescribed by the department under Section 26-1-6.

Amended by Chapter 201, 1996 General Session

26-4-18. Records of medical examiner -- Admissibility as evidence -- Subpoena of person who prepared record.

The records of the medical examiner or transcripts thereof certified by the medical examiner are admissible as evidence in any civil action in any court in this state except that statements by witnesses or other persons, unless taken pursuant to Section

26-4-21, as conclusions upon extraneous matters are not hereby made admissible. The person who prepared a report or record offered in evidence hereunder may be subpoenaed as a witness in the case by any party.

Enacted by Chapter 126, 1981 General Session

26-4-19. Personal property of deceased -- Disposition.

(1) Personal property of the deceased not held as evidence shall be turned over to the legal representative of the deceased within 30 days after completion of the investigation of the death of the deceased. If no legal representative is known, the county attorney, district attorney, or the medical examiner shall, within 30 days after the investigation, turn the personal property over to the county treasurer to be handled pursuant to the escheat laws.

(2) An affidavit shall be filed with the county treasurer by the county attorney, district attorney, or the medical examiner within 30 days after investigation of the death of the deceased showing the money or other property belonging to the estate of the deceased person which has come into his possession and the disposition made of the property.

(3) Property required to be turned over to the legal representative of the deceased may be held longer than 30 days if, in the opinion of the county attorney, district attorney, or attorney general, the property is necessary evidence in a court proceeding. Upon conclusion of the court proceedings, the personal property shall be turned over as described in this section and in accordance with the rules of the court.

Amended by Chapter 38, 1993 General Session

26-4-20. Officials not liable for authorized acts.

Except as provided in this chapter, a criminal or civil action may not arise against the county attorney, district attorney, or his deputies, the medical examiner or his deputies, or regional pathologists for authorizing or performing autopsies authorized by this chapter or for any other act authorized by this chapter.

Amended by Chapter 297, 2011 General Session

26-4-21. Authority of county attorney or district attorney to subpoena witnesses and compel testimony -- Determination if decedent died by unlawful means.

(1) The district attorney or county attorney having criminal jurisdiction may subpoena witnesses and compel testimony concerning the death of any person and have such testimony reduced to writing under his direction and may employ a shorthand reporter for that purpose at the same compensation as is allowed to reporters in the district courts. When the testimony has been taken down by the shorthand reporter, a transcript thereof, duly certified, shall constitute the deposition of the witness.

(2) Upon review of all facts and testimony taken concerning the death of a person, the district attorney or county attorney having criminal jurisdiction shall

determine if the decedent died by unlawful means and shall also determine if criminal prosecution shall be instituted.

Amended by Chapter 372, 1997 General Session

26-4-22. Additional powers and duties of department.

The department may:

- (1) establish rules to carry out the provisions of this chapter;
- (2) arrange for the state health laboratory to perform toxicologic analysis for public or private institutions and fix fees for the services;
- (3) cooperate and train law enforcement personnel in the techniques of criminal investigation as related to medical and pathological matters; and
- (4) pay to private parties, institutions or funeral directors the reasonable value of services performed for the medical examiner's office.

Enacted by Chapter 126, 1981 General Session

26-4-23. Authority of examiner to provide organ or other tissue for transplant purposes.

(1) When requested by the licensed physician of a patient who is in need of an organ or other tissue for transplant purpose, by a legally created Utah eye bank, organ bank or medical facility, the medical examiner may provide an organ or other tissue if:

(a) a decedent who may provide a suitable organ or other tissue for the transplant is in the custody of the medical examiner;

(b) the medical examiner is assured that the requesting party has made reasonable search for and inquiry of next of kin of the decedent and that no objection by the next of kin is known by the requesting party; and

(c) the removal of the organ or other tissue will not interfere with the investigation or autopsy or alter the post-mortem facial appearance.

(2) When the medical examiner is in custody of a decedent who may provide a suitable organ or other tissue for transplant purposes, he may contact the appropriate eye bank, organ bank or medical facility and notify them concerning the suitability of the organ or other tissue. In such contact the medical examiner may disclose the name of the decedent so that necessary clearances can be obtained.

(3) No person shall be held civilly or criminally liable for any acts performed pursuant to this section.

Enacted by Chapter 126, 1981 General Session

26-4-24. Autopsies -- Persons eligible to authorize.

(1) Autopsies may be authorized:

(a) by the commissioner of the Labor Commission or the commissioner's designee as provided in Section 34A-2-603;

(b) by individuals by will or other written document;

(c) upon a decedent by the next of kin in the following order and as known: surviving spouse, child, if 18 years or older, otherwise the legal guardian of the child,

parent, sibling, uncle or aunt, nephew or niece, cousin, others charged by law with the duty of burial, or friend assuming the obligation of burial;

(d) by the county attorney, district attorney, or the district attorney's deputy, or a district judge; and

(e) by the medical examiner as provided in this chapter.

(2) Autopsies authorized under Subsections (1)(a) and (1)(d) shall be performed by a certified pathologist.

(3) No criminal or civil action arises against a pathologist or a physician who proceeds in good faith and performs an autopsy authorized by this section.

Amended by Chapter 375, 1997 General Session

26-4-25. Burial of unclaimed body -- Request by college of medicine.

Counties shall provide decent burial for a body found in the county which is unclaimed, unless it is requested by the college of medicine of the University of Utah and the burial requirement in Subsection 26-4-27(2) does not apply because the identity of the body is known. Services rendered by a funeral director shall be paid for by the county.

Amended by Chapter 153, 1998 General Session

26-4-26. Social security number in certification of death.

A certification of death shall include, if known, the social security number of the deceased person, and a copy of the certification shall be sent to the Office of Recovery Services within the Department of Human Services upon request.

Enacted by Chapter 232, 1997 General Session

26-4-27. Registry of unidentified deceased persons.

(1) If the identity of a deceased person over which the medical examiner has jurisdiction under Section 26-4-7 is unknown, the medical examiner shall do the following before releasing the body to the county in which the body was found as provided in Section 26-4-25:

(a) assign a unique identifying number to the body;

(b) create and maintain a file under the assigned number;

(c) examine the body, take samples, and perform other related tasks for the purpose of deriving information that may be useful in ascertaining the identity of the deceased person;

(d) use the identifying number in all records created by the medical examiner that pertains to the body;

(e) record all information pertaining to the body in the file created and maintained under Subsection (1)(b);

(f) communicate the unique identifying number to the county in which the body was found; and

(g) access information from available government sources and databases in an attempt to ascertain the identity of the deceased person.

- (2) A county which has received a body to which Subsection (1) applies:
- (a) shall adopt and use the same identifying number assigned by Subsection (1) in all records created by the county that pertain to the body;
 - (b) require any funeral director or sexton who is involved in the disposition of the body to adopt and use the same identifying number assigned by Subsection (1) in all records created by the funeral director or sexton pertaining to the body; and
 - (c) shall provide a decent burial for the body.
- (3) Within 30 days of receiving a body to which Subsection (1) applies, the county shall inform the medical examiner of the disposition of the body including the burial plot. The medical examiner shall record this information in the file created and maintained under Subsection (1)(b).
- (4) The requirements of Subsections (1) and (6) apply to a county examiner appointed under Section 26-4-5, with the additional requirements that the county examiner:
- (a) obtain a unique identifying number from the medical examiner for the body; and
 - (b) send to the medical examiner a copy of the file created and maintained in accordance with Subsection (1)(b), including the disposition of the body and burial plot, within 30 days of releasing the body.
- (5) The medical examiner shall maintain a file received under Subsection (4) in the same way that it maintains a file created and maintained by the medical examiner in accordance with Subsection (1)(b).
- (6) The medical examiner shall cooperate and share information generated and maintained under this section with a person who demonstrates:
- (a) a legitimate personal or governmental interest in determining the identity of a deceased person; and
 - (b) a reasonable belief that the body of that deceased person may have come into the custody of the medical examiner.

Enacted by Chapter 153, 1998 General Session

26-4-28. Testing for suspected suicides -- Maintaining information -- Compensation to deputy medical examiners.

- (1) In all cases where it is suspected that a death resulted from suicide, including assisted suicide, the medical examiner shall endeavor to have the following tests conducted upon samples taken from the body of the deceased:
- (a) a test that detects all of the substances included in the volatiles panel of the Bureau of Forensic Toxicology within the Department of Health;
 - (b) a test that detects all of the substances included in the drugs of abuse panel of the Bureau of Forensic Toxicology within the Department of Health; and
 - (c) a test that detects all of the substances included in the prescription drug panel of the Bureau of Forensic Toxicology within the Department of Health.
- (2) The medical examiner shall maintain information regarding the types of substances found present in the samples taken from the body of a person who is suspected to have died as a result of suicide or assisted suicide.
- (3) Within funds appropriated by the Legislature for this purpose, the medical

examiner shall provide compensation, at a standard rate determined by the medical examiner, to a deputy medical examiner who collects samples for the purposes described in Subsection (1).

Amended by Chapter 167, 2013 General Session

26-4-29. Application for permit to render a dead body unavailable for postmortem examination -- Fees.

(1) Upon receiving an application by a person for a permit to render a dead body unavailable for postmortem investigation, the medical examiner shall review the application to determine whether:

(a) the person is authorized by law to render the dead body unavailable for postmortem investigation in the manner specified in the application; and

(b) there is a need to delay any action that will render the dead body unavailable for postmortem investigation until a postmortem investigation or an autopsy of the dead body is performed by the medical examiner.

(2) Except as provided in Subsection (4), within three days after receiving an application described in Subsection (1), the medical examiner shall:

(a) make the determinations described in Subsection (1); and

(b) (i) issue a permit to render the dead body unavailable for postmortem investigation in the manner specified in the application; or

(ii) deny the permit.

(3) The medical examiner may deny a permit to render a dead body unavailable for postmortem investigation only if:

(a) the applicant is not authorized by law to render the dead body unavailable for postmortem investigation in the manner specified in the application;

(b) the medical examiner determines that there is a need to delay any action that will render the dead body unavailable for postmortem investigation; or

(c) the applicant fails to pay the fee described in Subsection (5).

(4) If the medical examiner cannot in good faith make the determinations described in Subsection (1) within three days after receiving an application described in Subsection (1), the medical examiner shall notify the applicant:

(a) that more time is needed to make the determinations described in Subsection (1); and

(b) of the estimated amount of time needed before the determinations described in Subsection (1) can be made.

(5) The medical examiner may charge a fee, pursuant to Section 63J-1-504, to recover the costs of fulfilling the duties of the medical examiner described in this section.

Amended by Chapter 218, 2010 General Session